

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
WESTERN SHORES REQUEST FOR PRIVATE WATER USE FACILITIES,
KENTUCKY RESERVOIR, CALLOWAY COUNTY, KENTUCKY

The Western Shores Lot Owners Association proposes to construct community and individual water use facilities at the Western Shores residential development located at Tennessee River Miles 46-48 on Kentucky Reservoir in Calloway County, Kentucky. The proposed facilities require approval by the Tennessee Valley Authority (TVA) under Section 26a of the TVA Act and by the U.S. Army Corps of Engineers (USACE) under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. USACE has issued an environmental assessment (EA) for parts of the proposal subject to Section 10 approval. Because the USACE EA does not incorporate all of the facilities in the permit applications submitted to TVA, TVA has prepared an EA to supplement the USACE analysis. This TVA EA and the USACE EA are incorporated by reference.

TVA evaluated the following two alternatives: 1) No Action, under which the permit requests would be denied; and 2) The Action Alternative, under which TVA would approve the permit requests for the water use facilities. The proposed facilities consist of five community docks with a total of 65 double boat slips, a concrete launching ramp, excavation totaling 11,500 cubic yards below normal summer pool at two locations, and 29 individual private water use facilities. The individual water use facilities consist of floating docks with two slips and attached walkways. The proposed dock facilities would provide a total of 188 boat boats.

The approval and subsequent construction and operation of the proposed water use facilities would have insignificant impacts to air quality, wildlife habitat, visual resources, noise, and environmental justice. No wetlands would be affected. In order to reduce impacts to water quality and aquatic life, the excavation would occur during low-winter pool conditions and best management practices would be used. With adherence to these measures, potential effects to water quality and aquatic life would be insignificant. The dredged material would be deposited above the floodplain and would not reduce the reservoir flood storage capacity. There would be no impact to flood control, and the proposal complies with Executive Order 11988 (Floodplain Management). Potential effects to the recreational experience or safety of boaters would be negligible.

The proposed facilities described in the original permit applications had the potential to affect archaeological resources. In order to avoid potential effects to underwater archaeological resources, the applicant modified the proposal by changing the alignment of three large community docks and relocated the area to be excavated. The applicant completed a Phase 1 Archeological Survey over the upland site that would be used for disposal of the spoil material. This survey concluded that no archeological resources were present. TVA subsequently determined that the proposed action would not affect historic properties listed on or eligible for listing on the National Register of Historic Places. The Kentucky Heritage Council concurred with this determination in a letter dated September 10, 2007.

Joint Public Notice 07-12 was issued on February 2, 2007, to advertise the proposed work. The U.S. Fish and Wildlife Service (USFWS) responded to the Public Notice on February 21, 2007,

and stated that according to its collection records, there are no known sites of threatened or endangered species or critical habitat in the project impact area. USFWS also stated that the proposed project would not cause adverse effects to listed species and that the requirements of Section 7 of the Endangered Species Act have been fulfilled. TVA has independently determined that there would be no effects on listed species. The Kentucky Department of Fish and Wildlife responded to the public notice on February 8, 2007, and requested that all dredging activities be conducted from November through February to protect spawning habitat.

Mitigation and Special Permit Conditions

The USACE permit approval is dependent on several special conditions listed in their EA. TVA would also require adherence to standard and general permit conditions and the use of construction-related best management practices. The following special permit conditions would be established as conditions in TVA's Section 26a approval in order to reduce the potential for adverse environmental effects:

- The lots served by the community docks would not be eligible for individual water use facilities or private docks.
- The spoil material would be disposed of and contained on designated land lying and being above the 375-foot contour. The applicant will develop methods to prevent discharges of spoil material into the reservoir.

Conclusion and Findings

TVA has reviewed the impacts from the proposed Western Shores water use facilities and has determined that their approval under Section 26a would not be a major federal action significantly affecting the environment. Accordingly, preparation of an environmental impact statement is not required. This FONSI is contingent upon adherence to the permit conditions and mitigation measures described above.



October 1, 2007

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Date Signed